

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

RE: James & Sarah Mills

Case No. 16-14011

**DEBTOR(S) MOTION TO AVOID NON-POSSESSORY,
NON-PURCHASE MONEY SECURITY INTEREST AND OTHER RELIEF**

COMES NOW the debtor(s), by and through counsel, and files this Motion to Avoid Non-Possessory, Non-Purchase Money Security Interest and Other Relief against **Tower Loan** would show unto the Court that the debtor(s) filed her/his petition for relief under Chapter 7 of Title II U.S.C. Prior to the filing of the petition, the debtor(s) obtained a loan from creditor and executed a note and security agreement granting creditor a security interest in personal property which was held primarily for the debtor(s) family and household use. The money borrowed from the creditor does not represent any part of a purchase money security interest for any of the articles covered in the security agreement executed by the debtor(s) and all pursuant to the laws of the State of Mississippi. The existence of creditor's lien on the debtor(s) personal property impairs exemptions to which the debtor(s) would be entitled pursuant to Section 85-3-1 of the Mississippi Code of 1972, as amended, 11 U.S.C. 522 (f)(2) and Owen v. Owen, 111 S. Ct. 1833 (1991).

WHEREFORE PREMISES CONSIDERED, the debtor(s) pray that an Order be entered avoiding the security interest in the debtor(s) personal property pursuant to 11 U.S.C 522 (f)(2). The debtor(s) also pray for such other relief to which they may be entitled.

RESPECTFULLY SUBMITTED the 29th day of November, 2016.

/s/ John M. Sherman

John M. Sherman
Attorney at Law
Post Office Box 1900
Clarksdale, MS 38614
662-627-5301
MB #8807

CERTIFICATE OF SERVICE

I, John M. Sherman, Attorney at Law, do hereby certify that I have this day electronically filed the foregoing Debtor(s) Motion to Avoid Non-Possessory, Non-Purchase Money Security Interest and Other Relief, with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

J. Stephen Smith
Chapter 7 Trustee
trustee1@smithcpafirm.com

U.S. Trustee's Office
501 East Court Street, Suite 6-430
Jackson, MS 39201
USTPRegion05.AB.ECF@usdoj.gov

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Tower Loan
P.O. Box 1746
Clarksdale, MS 38614

Respectfully submitted, this the 29th day of November, 2016.

/s/ John M. Sherman

John M. Sherman
Attorney for Debtor(s)
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